

**DALLAS HORSESHOE PROJECT RFQ
Q & A MATRIX #5**

(February 3, 2012)

<u>No.</u>	<u>RFQ Section/ Page No.</u>	<u>Question/Comment</u>	<u>Response</u>
1.	Part A, Section 3.7, Page 5	Our company has been looking at this project and we would like to know if there is a Buy American clause for the steel.	As set forth in Part A, Section 3.7 of the RFQ, as amended, and in response to Q. 30 in Q & A Matrix #4, due to anticipated federal funding, Buy America requirements will apply.
2.	Part A, Section 4.2 (a) <u>Number of Copies</u> – Page 6 of First Amendment	<p>Each responding Proposer shall submit one original and 15 written copies (for a total of 16) of its QS in three (each QS consists of three volumes) loose-leaf three ring binders ...</p> <ul style="list-style-type: none"> • TxDOT states “<u><i>Insofar as practical or economical, all paper stock used shall be composed of recycled material</i></u>”. • Considering that if a group is proposing on the D-B models that would require 16 large copies of Volume 2s containing the financial history of the groups equity members for the past three years. • Would TxDOT revise this Volume 2 requirement to be one original and three copies for a total of four. • TxDOT has permitted in the past a reduced number of copies of financial information. This would also be in tune with TxDOT’s role as a leader in preserving our natural resources. 	<p>Part A, Section 4.2(a) will be revised as follows:</p> <p><u>Number of copies:</u> Each responding Proposer shall submit one original and 15 written copies (for a total of 16) of <u>Volumes 1 and 3 and one original and 9 written copies (for a total of 10) of Volume 2</u> of its QS in three (each QS consists of three volumes) loose-leaf three ring binders, contained in sealed packages. The original must be clearly marked “Original” on its face and spine. Each copy must be numbered 1 through 10 <u>or 1 through 15, as applicable,</u> on its spine. The Proposer’s name and volume number must also be clearly marked on the spine. In addition, each responding Proposer shall include one digital copy of its QS in a read-only format on a CD.</p>

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		Additionally each proposer is required to include one digital copy of its QS ... This would include the financial information in Volume 2.	
3.	Part A, Section 5.2	<p>Can you clarify the intent of the item 5.2? (C) and the corresponding Form C ?</p> <p>Does it pertain to items in dispute, subject to legal resolution or items that have not been finally determined by a dispute procedure or court of law?</p> <p>If previously disclosed to TxDOT and no action regarding eligibility was deemed necessary by the Executive Director does it need to be included on Form C ?</p>	<p>As set forth in Part B, Volume 3, Section A of the RFQ, as amended, the Proposer, each Equity Member of Proposer, each Guarantor and each Major Non-Equity Member is required to submit a Form C. Question 3 on Form C requires the responding entity to disclose whether it has been disqualified, removed, debarred or suspended from performing or bidding on work for the federal government or any state or local government. Question 8 on Form C requires the entity to disclose any pending proceedings, claims, matters, suits, etc. that could result in the entity being subject to debarment, suspension, removal or disqualification by the federal government, any state or local government, or any foreign governmental entity. These disclosures are required regardless of whether the matter has been (1) previously disclosed to TxDOT and/or (2) finally determined by a dispute procedure or court of law. The entity may include in the explanation section(s) any facts that it believes are relevant to the issue, including, if applicable, a description of the previous disclosure of the matter to TxDOT, as well as TxDOT's response.</p> <p>Part A, Section 5.2(c) describes a pass/fail requirement concerning the disclosures provided in Form C. Part A, Section 5.2(c) will be revised as follows:</p> <p>Neither the Proposer nor any other entity that has submitted <u>Form C</u> as required by this RFQ (1) has been disqualified, removed, debarred or suspended from performing or bidding on work for the federal government or any state or local</p>

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			government where such disqualification, removal, debarment or suspension <u>has resulted in the Proposer or other entity being currently disqualified, removed, debarred or suspended from performing or bidding on TxDOT contracts or (2) is currently disqualified, removed, debarred or suspended from performing or bidding on work for at least three other states</u> would preclude selection and award under TxDOT's Contractor Sanction Rules (set forth in 43 Texas Administrative Code, Chapter 10).
4.	Part A, Section 5.3.2, Page 9 and Part B, Volume 1, Section C, Page 6	Section 5.3.2 Statement of Technical Approach lists three criteria for which this section will be evaluated: understanding of the project's scope (20 points), project risks (10 points), and approach to public involvement (5 points). Part B Volume 1 Section C regarding the Statement of Technical Approach lists three topics which shall be included: understanding of the project's scope, approach to using design-build-maintain contracting, and project risks. Section 5.3.2 does not mention an evaluation of the Respondent's approach to using design-build-maintain contracting. Would you please clarify whether or not this topic shall be included in the Statement of Technical Approach and what point value this topic will be assigned? Part B Volume 1 Section C does not require the Respondent's approach to public involvement. Would you please clarify whether or not this topic shall be included in the Statement of Technical Approach?	The Respondent's Statement of Technical Approach should include all of the information described in Part B, Volume 1, Section C of the RFQ and the information provided therein will be evaluated based on each of the evaluation criteria set forth in Part A, Section 5.3.2 of the RFQ, as amended. Part B, Volume 1, Section C(2) of the RFQ will be revised as follows: 2. Approach to contracting and to successfully delivering the Project using design-build-maintain contracting, <u>as well as the general approach to public involvement recognizing the unique characteristics of this Project and its impacts on the community.</u>
5.	Part B,	As currently drafted, this section would require	The requested change will be made.

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	Volume 1, Section B(e) 3. Legal Proceedings	<p>disclosure of all liabilities and proceedings related to the applicable Equity member or Major Non-Equity member, regardless of the third party involved, which could include any subcontractors or any other third party, no matter how minimal their role or how insignificant the liability or proceeding. Please revise the requirement, as suggested below, to limit the information to disputes with the public owners of the projects which are the most significant to TxDOT.</p> <p>Existing text: Provide a list and a brief description (including the resolution) of each arbitration, litigation, dispute review board and other dispute resolution proceeding occurring during the last five years involving Proposer (or any other organization that is under common ownership with the Proposer), any Equity Member or any Major Non-Equity Member and involving an amount in excess of \$500,000 related to performance in capital transportation projects with a contract value in excess of \$25 million.</p> <p>Suggested text: Provide a list and a brief description (including the resolution) of each arbitration, litigation, dispute review board and other dispute resolution proceeding occurring during the last five years <u>involving between the public owner and Proposer</u> (or any other organization that is under common ownership with the Proposer), any Equity Member or any Major Non-Equity Member and involving an</p>	

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6.	Part B, Vol 3, Sec. A and Form B	<p>Can you please clarify the proper way to execute 'Form B' and who all is required to complete it? For example, if the 'Name of Proposer' is a Joint Venture, does each equity member firm have to separately complete form B as well, with information (Tax ID, etc.) for their specific firm?</p> <p>Also, with regard to 'Business Organization' section on Form B, is that meant to address the company listed on the 'Name of Proposer' line or the 'Name of Firm' line?</p>	<p>As set forth in Part B, Volume 3, Section A, Form B is to be completed by the "Proposer, each Equity Member of Proposer, each Guarantor and each Major Non-Equity Member." In the circumstances described in the question, separate Form Bs should be completed for the Joint Venture Proposer, as well as for each Equity Member of Proposer, each Guarantor and each Major Non-Equity Member.</p> <p>The entity completing Form B is to provide its own information. Accordingly, the entity completing the form will provide its Business Organization, its name, its Tax ID number etc.</p>
7.	RFQ, General	Are the required Forms for the QS available in Word format?	The forms will be provided in Word format after the Q&A period is over (after final questions are due, February 9, 2012).
8.	RFQ, General	Does TxDOT publish a list of attendees for pre bids? If so can you advise me on the process of obtaining this list for the Horseshoe project in Dallas?	The attendees to the Pre-QS Workshop have been posted on the Project Website.
9.	RFQ, General	Some of the Q&A documents refer to Addendum #2. Will that be posted to the website soon?	The Dallas Horseshoe RFQ Addendum #2 will be posted on the Project Website on February 3, 2012.